

PATENT  
App. Ser. No.: 09/848,573  
Atty. Dkt. No. ROC920010064US1  
PS Ref. No.: IBMK10064

## REMARKS

This is intended as a full and complete response to the Office Action dated October 14, 2005, having a shortened statutory period for response set to expire on January 14, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are pending in the application. Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 remain pending following entry of this response. Claims 24, 26, 29, 31, and 34 have been amended. The claims have been amended solely for clarification and not to overcome a rejection. Thus, the claims, as amended, are entitled to a full range of equivalents. Applicants submit that the amendments do not introduce new matter.

### Claim Rejections - 35 U.S.C. § 112

Claims 24, 26, 28, 29, 31, 33 and 34 are rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that "in claims 24, 26, 28, 29, 31, 33 and 34, it is unclear if Applicants intend to modify the program itself or the computer product."

With respect to claims 24, 26, 29, 31, and 34, the claims have been amended. Thus, Applicants submit that the rejection is moot.

With respect to claim 28, the claim recites "The program product of claim 23, wherein receiving the response comprises..." Thus, the claim clearly modifies the operation of "receiving" described in the program product of claim 23.

With respect to claim 33, the claim describes "The program product of claim 23, wherein transmitting comprises..." Thus, the claim clearly modifies the operation of "transmitting" described in the program product of claim 23.

Accordingly, Applicants respectfully request withdrawal of the rejection.

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Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are rejected under 35 U.S.C. §102(e) as being anticipated by *Baric* (U.S. 6,527,176 B2). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Baric* does not disclose "each and every element as set forth in the claim". For example, *Baric* does not disclose "receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine", as described in detail below.

*The Cited Reference*

*Baric* describes a collective payment and control system that has a variety of self-service devices that dispense different types of goods. See Abstract; Col. 1 Line 6 to Col. 2 line 2. The system includes a primary dispenser comprising a self-service fuel pump and a secondary dispenser comprising a self-service vending machine. Col. 2, Lines 1-4. The primary dispenser is typically associated with large-valued goods and is likely to be the dispenser most frequently used in the system. Col. 2, Lines 5-7. The secondary dispenser usually dispenses small-valued goods. The cost for selected

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products are totaled by the processor of the primary dispenser and a single payment transaction is made. Col. 2, Lines 25-28.

*Baric* states that any primary dispenser can operate with any secondary dispenser, and that in the preferred embodiment, the primary dispenser is a fuel pump and the secondary dispenser is a vending machine. Col. 3, Lines 51-56. *Baric* also states that product from the secondary dispenser can be selected from the display of the primary dispenser. Col. 5, Lines 5-10. The secondary dispenser can only be activated by one primary dispenser at a time. Col. 5, Lines 11-12. Alternatively, product from the secondary dispenser can be selected directly from the secondary dispenser. Col. 5, Lines 5-10.

#### *The Examiner's Rejection*

The Examiner argues that *Baric* discloses the claimed subject matter at Col. 7, Lines 18-21. The cited section merely states that the invention in *Baric* can incorporate dispensers into a single machine that dispenses different product, such as a fuel dispenser that also dispenses vending machine items. However, as described below, *Baric* does not disclose "each and every element as set forth in the claim."

#### *Applicants' Response to the Examiner's Rejection*

First, *Baric* does not describe "receiving, at a vending machine in the network of vending machines, a purchase order for the item, *the vending machine being configured to dispense at least one type of item when stocked with the at least one item*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at *at least one other vending machine configured to dispense the item when stocked with the item*, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine" because in *Baric*, different types of products are dispensed by the primary dispenser and the secondary dispenser, as described below.

*Baric* only teaches that a primary dispenser (e.g., a fuel pump) may be used to access a secondary dispenser. See Col. 5, Lines 5-10. A secondary dispenser cannot

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be used to access another secondary dispenser (thus the designation, "secondary"). See Col. 5, Lines 5-10. As described above, the primary dispenser and the secondary dispenser dispense difference items (e.g., the primary dispenser dispenses fuel and the secondary dispenser dispenses vending machine items). Col. 2, Lines 1-7.

In contrast, the pending claims, as indicated by the italicized text, describe that both vending machines (the vending machine receiving the response and the other vending machine) be configured to dispense *the same item*. Therefore, *Baric* does not describe "receiving, at a vending machine in the network of vending machines, a purchase order for the item, *the vending machine being configured to dispense at least one type of item when stocked with the at least one item*" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at *at least one other vending machine configured to dispense the item when stocked with the item*, whereby a user can retrieve the item at the *at least one other vending machine when the item is available at the at least one other vending machine*". Therefore, withdrawal of the rejection is respectfully requested.

Second, *Baric* does not describe "receiving, at the vending machine, a response to the request indicative of whether the item is available at *at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine*" because in *Baric*, the primary dispenser is not a vending machine.

As described above, in *Baric*, only a primary dispenser is described as being used to access a secondary dispenser. See Col. 5, Lines 5-10. No secondary dispenser is used to access another secondary dispenser (thus, the designation "secondary"). See Col. 5, Lines 5-10. Also, the primary is described in *Baric* as being a fuel pump and not a vending machine. Col. 2, Lines 1-7. Thus, *Baric* does not describe a vending machine receiving a response, because the primary dispenser is not a vending machine. *Id.* Accordingly, *Baric* does not describe "receiving, at the *vending machine*, a response to the request indicative of whether the item is available at *at least*

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one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine". Therefore, withdrawal of the rejection is respectfully requested.

The Examiner cites Col. 7, Lines 18-21, stating that the cited section discloses receiving at a vending machine a purchase order for the item. However, the pending claims describe "*in response to receiving the purchase order, transmitting a request for the item via a network connection established through a network interface of the vending machine*" and "*receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine*".

In contrast, the cited section states that the dispensers can be incorporated into a single machine that dispenses different product. Col. 7, Lines 18-21. Thus, the cited section describes "*a fuel dispenser that also dispenses vending machine items*". Col. 7, Lines 18-21. Where the dispensers are incorporated into a single machine, no network interface is utilized to transmit a request for any item because each of the dispensers is located in the same machine which need not communicate with itself via a network. See *id.* Accordingly, *Baric* does not describe "*in response to receiving the purchase order, transmitting a request for the item via a network connection established through a network interface of the vending machine*" and "*receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine*". Therefore, withdrawal of the rejection is respectfully requested.

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Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-7, 10, 13-15, 17, 18, 23, 24, 26, 28, 29, 31, 33 and 34 are alternatively rejected under 35 U.S.C. §103(a) as being unpatentable over *Baric* in view of *Peters* (U.S. 5,769,269) and *Walker et al.* (U.S. 6,397,193 B1) (hereinafter "Walker '193"). In making the Sec. 103 rejection, the Examiner incorporates the rejection of the claims with respect to *Baric*. However, Applicants submit that the rejection with respect to *Baric* has been overcome, as described above. For example, the cited references, alone or in combination, do not teach disclose "receiving, at a vending machine in the network of vending machines, a purchase order for the item, the vending machine being configured to dispense at least one type of item when stocked with the at least one item" and "receiving, at the vending machine, a response to the request indicative of whether the item is available at at least one other vending machine configured to dispense the item when stocked with the item, whereby a user can retrieve the item at the at least one other vending machine when the item is available at the at least one other vending machine". Accordingly, withdrawal of the rejection is respectfully requested.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

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Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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